



U.S. Department of Justice

Ronald C. Machen Jr.
United States Attorney

District of Columbia

*Judiciary Center
555 Fourth St., N.W.
Washington, D.C. 20530*

January 3, 2013

VIA ELECTRONIC MAIL

Ms. Dana Page
Public Defender Service
633 Indiana Ave. SE
Washington, DC 20004
dpage@pdsdc.org

Re: United States v. Samuel Nelson, 2012 CF1 17270

Dear Ms. Page,

I write to convey a plea offer to your client, Samuel Nelson, which will remain open until Friday, January 4th. Please note that the government reserves the right to revoke this plea offer at any point before your client enters a guilty plea in open court and the guilty plea is accepted by the Court.

If your client accepts the terms and conditions set forth below, please have him execute this document in the space provided. Upon receipt of the executed document, subject to the two conditions noted above, this letter will become the plea agreement between your client and the Office of the United States Attorney for the District of Columbia.

The terms and conditions of the plea offer are as follows:^{1/}

TERMS AND CONDITIONS

1. Your client agrees to admit guilt and enter a plea of guilty to the following charge:
 - a) **Voluntary Manslaughter While Armed**, in violation of D.C. Code §§ 22-2105, 4502.

^{1/} Any references to "the defendant" or "your client" refer to Samuel Nelson. Any reference to "the government" refers to the United States Attorney's Office for the District of Columbia. Any reference to "the parties" refers Samuel Nelson and the United States Attorney's Office for the District of Columbia. Any reference to the "agreement" refers to this plea agreement.



Your client understands that the offense of Voluntary Manslaughter While Armed carries a potential maximum penalty of **30 years' incarceration** and a maximum of **5 years of supervised release**.

2. Your client understands that, in exchange for his plea of guilty to the offenses described in paragraph 1, supra, the government will:
 - a) not indict your client on any greater or related charges, including but not limited to **First Degree Murder While Armed**, arising out of the October 2, 2012, murder of Darnell Howard, as detailed in the attached factual proffer; and
 - b) waive the filing of any applicable sentencing enhancement papers.
3. The parties agree that your client will remain incarcerated pending sentencing.
4. The parties further agree that your client, after taking an oath to tell the truth, shall agree to a proposed factual proffer in open court on the date of the plea. The language of the proffer is attached to this letter.
5. Your client understands that the Court may use the District of Columbia Sentencing Commission's Voluntary Sentencing Guidelines in imposing the sentence in this case. This plea offer is contingent upon an agreement between the Government and your client that neither party will seek an upward or downward departure outside of your client's applicable guideline range. Your client further understands that the applicable guideline range will not be determined by the Court until the time of sentencing.
6. Your client agrees that this letter is binding on the Government, but not binding on the Court, and that your client cannot withdraw this plea at a later date because of the harshness of any sentence imposed by the Court. The Government understands that your client is not bound by the Government's allocution, and may request a lesser sentence, subject to the terms set forth in paragraph 5, above.
7. Your client acknowledges and has been made aware that pursuant to the Innocence Protection Act, that there may be physical evidence which was seized from the victim, crime scene or from your client or from some other source that can be tied to your client that could contain probative biological material. Your client understands and agrees that in order to plead guilty in this case, your client must waive and give up DNA testing in this case and must execute the attached written waiver of DNA testing. Your client further understands that should he waive and give up DNA testing now, it is unlikely that he will have another opportunity to have the DNA tested in this case.
8. Your client also agrees that if any illegal firearms or illegal contraband were seized by any law enforcement agency from the possession of or the direct or indirect control of your client, then your client consents to the administrative forfeiture, official use and/or

destruction of said firearms or contraband by any law enforcement agency involved in the seizure of these items.

9. In entering this plea of guilty, your client understands and agrees to waive certain rights afforded to your client by the Constitution of the United States and/or by statute. In particular, your client knowingly and voluntarily waives or gives up his right against self-incrimination with respect to the offenses to which your client is pleading guilty before the Court which accepts your client's plea. Your client also understands that by pleading guilty your client is waiving or giving up your client's right to be tried by a jury or by a judge sitting without a jury, the right to be assisted by an attorney at trial and the right to confront and cross-examine witnesses.
10. This letter sets forth the entire understanding between the parties and constitutes the complete plea agreement between your client and the United States Attorney's Office for the District of Columbia. This agreement supersedes all prior understandings, promises, agreements, or conditions, if any, between this Office and your client.
11. Enclosed for your review:
 - a. Defendant's Acknowledgment & Attorney's Acknowledgment
 - b. Proffer of Facts & Defendant's Acknowledgment
 - c. Information
 - d. Waiver of Indictment
 - e. Defendant's Agreement to Waive DNA testing

Respectfully,

RONALD C. MACHEN JR.
United States Attorney

/s/
JUSTIN DILLON
Assistant United States Attorney
United States Attorney's Office
Homicide Section
555 4th St. NW, 9th Floor
Washington, D.C. 20530
202-252-7689
Justin.Dillon@usdoj.gov

DEFENDANT'S ACCEPTANCE

I have read this plea agreement, or had it read to me, and have discussed it with my attorney. I fully understand this agreement and agree to it without reservation. I do this voluntarily and of my own free will, intending to be legally bound. No threats have been made to me nor am I under the influence of anything that could impede my ability to understand this agreement fully. I am pleading guilty because I am in fact guilty of the offense set forth herein.

I reaffirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement. I am satisfied with the legal services provided by my attorney in connection with this plea agreement and matters related to it.

Date: 1/3/13

Samuel Nelson
SAMUEL NELSON
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the nine pages constituting this plea agreement, reviewed them with my client, Samuel Nelson, and discussed the provisions of the agreement with my client, fully. These pages accurately and completely set forth the entire plea agreement.

Date: 1/3/13

Dana Page
Dana Page
Attorney for Defendant